

APPEAL WON AGAINST THE LONDON BOROUGH OF EALING

Posted on March 23, 2017



Today we received the news that an appeal submitted against the London Borough of Ealing has been allowed in addition to a full award of costs. The appeal case was against the decision by the local authority to refuse an application for a single storey detached garden outbuilding for domestic use (Lawful Development Certificate for Proposed Development).

The Inspector stated that a previous scheme granted in 2008 at this site was near identical to the proposed, with the only material difference being a change in roof form to comply with the height limitation of the 2015 Order. The crux of the issue was whether there had been a material change in planning circumstances since the Council certified that this scheme, at this site, would be lawful. As the roof was the only change, the Inspector concluded that the Council's refusal to grant a certificate was not well-founded and that the appeal should be allowed.

In awarding costs, the Inspector concluded that the Council had caused several delays to the determination which amounted to unreasonable behaviour. In addition, in failing to determine the two similar cases on site in a consistent or correct manner amounted to unreasonable behaviour that warranted substantive costs.

We are delighted with the outcome and wish our client every success.

